

ACCESS INSIDER

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The Uptick in ADA Lawsuits

ADA Lawsuits are reaching epidemic levels. Nearly every day, more businesses are served with lawsuits, and settlement demands that usually range between \$5,000 and \$35,000 dollars or more. **No buildings are grandfathered.** And a recent inspection by a city or county building inspector is no guarantee that you are ADA compliant.

Just because a lawsuit filed against your business seems ridiculous, doesn't mean it won't be costly to defend against. Hundreds of businesses across Arizona have been hit with Americans with Disabilities Act ("ADA premises") lawsuits alleging businesses in violation of ADA laws, blocked disabled persons from having access to stores, shopping centers or malls, restaurants, office buildings, offices of physicians, attorneys, accountants and other professionals, motels and hotels and other facilities. Some of the lawsuits complain of curbs which block wheelchair access or lots lacking parking for disabled patrons.

Once served with a lawsuit complaining about accessibility discrepancies, business owners may find themselves pursued in what many call "shakedown schemes."



Arizona is among the four "hot bed" states for filing of these cases, along with California, Oregon and Florida who have seen escalated volume of lawsuits.

The purchase of ADA compliant adhesive bathroom signs can cost under ten dollars and lessening the angle of slope on a steep sidewalk ramp can cost under \$1,500.00; while the attorney who filed the lawsuit demands \$3,000.00 to \$10,000.00 or even more to drop the case.

Uptick - Continues on page 2

www.accessarchitectural.com

Plans Reviews for Designers • Residential Accessibility Reviews • Accessibility Training and Seminars

Zen - The Hawkins Vanity Remodel

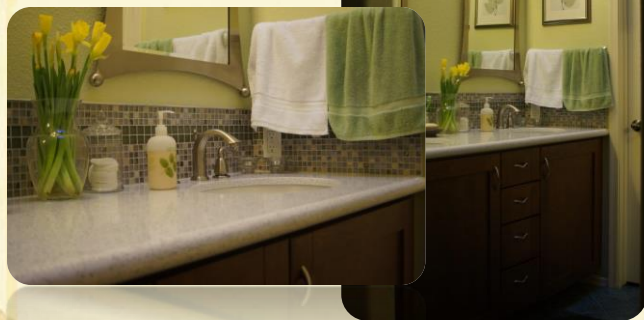
The beginning of the year marked the completion of the Hawkins Vanity Remodel project. Built to accommodate the needs of a young woman, with debilitating Rheumatoid Arthritis, Access.Architectural set out to make her a Spa-like accessible space. Ms. Hawkins found it very difficult to lean over to use her existing low vanity and countertop; therefore we raised the countertop height to 36".

"This is the bathroom of my dreams, very functional, spa-like, and arthritis friendly", says Ms. Hawkins

This vanity also includes a beautiful glass tile backsplash, recycled glass countertop, brushed nickel mirrors, pull out drawers, and shelves, as well as a unique "toe kick-less" base cabinet to allow for potential future wheelchair use.



This vanity remodel struck the Zen chord for Ms. Hawkins



Uptick (continued)

Though the law forbids the disabled person who filed the suit to receive anything beyond the satisfaction of knowing that another commercial property has complied with ADA accessibility requirements, there's much speculation that money sometimes changes hands between some attorneys filing these cases and the disabled persons they represent.

Almost 200 lawsuits named one individual as a plaintiff have targeted commercial establishments in Florida. It is not unusual for a business owner to spend \$500 to move a toilet half an inch and to purchase two signs denoting accessibility, while also spending another \$3,500 to their lawyers.

Sometimes businesses would rather "fight back" and we here at Access.Architectural feel the use of an ADA Compliance Evaluation along with a Strategic Accessibility Plan are paramount in avoiding lawsuits.

The ADA and its State counterparts can be complicated. Access.Architectural, LLC provides clients with practical explanations of the complex requirements that must be addressed in order to be compliant, such as:

- Determine whether your business is covered by the ADA and State disability law
- Help clients with information specific to their situation, because requirements can vary business to business.
- Identify specific steps to make "reasonable accommodations."
- Prioritize various accessibility issues to help clients avoid lawsuits.
- Determine if a new building, or modifications to an existing building, may require stricter standards.
- Review policies and practices to ensure appropriate consideration is being made toward persons with disabilities. Some disabilities may require extra effort at compliance.
- Ensure that employees are properly trained to assist persons with disabilities, and that adequate training records are maintained.

Access.Architectural - Improving access to your facilities

480.577.1271 info@accessarchitectural.com

In the News

Access.Architectural has been very active thus far in 2013, with an employment showcase produced by the Arizona Developmental Disabilities Planning Commission. This video series, "The Pathways to Employment" can be viewed by visiting the News Tab at www.AccessArchitectural.com and clicking the Pathways to Employment link or [Here!](#)



Access.Architectural, LLC



As Heard on:



On Monday, February 18th the owner of Access.Architectural, Peter Fischer, was interviewed by News Radio KTAR's Bruce St. James as part of their "Small Business Shout Out". It was an honor to be chosen and discuss the ADA, business and how Access.Architectural can help. Please listen to the radio interview by visiting the News Tab at AccessArchitectural.com and clicking the KTAR Small Business Shout Out link or [Here!](#)

Tempe Mayor's Disability Awards

Please consider Access.Architectural, or its owner Peter Fischer, for a City of Tempe Mayor's Disability Awards recognizing ability, advocacy, accessibility and achievements. The March 22nd deadline is quickly approaching.



For more information visit:

www.tempecommunitycouncil.org/mayors-disability-awards/

Contact us:

9846 S. 46th Street
Phoenix, Arizona 85044

480.577.1271
info@accessarchitectural.com